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October 5, 2012

BY FACSIMILE

The Honorable Robert P. Patterson
United States District Judge
United States District Court for the
Southern District of New York
500 Pearl Street, Room 2550
New York, New York 10007

USDC SDNY
DOCUMENT
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Re: Levin v. Bank of New York, et al.
Case No. 09 Civ. 5900

Dear Judge Patterson:

We represent third-party defendant [REDACTED] in the above-referenced action. We write to respectfully request an extension of [REDACTED] time to respond to the Motion for Partial Summary Judgment on Claims of Turnover of Phase Two Blocked Assets (the “Motion”) filed by the Levin, Greenbaum, Acosta, and Heiser judgment creditors, and a continuance of the associated hearing.

On September 13, 2012, in response to Citibank, N.A.’s letter request, the Court ordered opposition papers filed by October 15, 2012 and reply papers by November 5, 2012, with a hearing on the Motion set for November 13, 2012.

After being served with the Motion, [REDACTED] notified the Office of Foreign Assets Control that the instant action requires [REDACTED] to file papers with the Court relating to the same blocked funds at issue in [REDACTED] pending OFAC application. [REDACTED] has since reached out to OFAC on numerous additional occasions to remind OFAC of the Court’s impending deadline for opposition papers, and of the relevance of OFAC’s decision to the issues raised in the Motion—as well as to request that OFAC expedite its ruling to the extent possible. Despite these efforts, which have included providing OFAC with a copy of the Motion, OFAC has not yet ruled on [REDACTED] submission, and has indicated that it will be unable to rule before the October 15 deadline.

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[REDACTED] therefore respectfully requests an extension of its deadline to file opposition papers to November 29, 2012. The date for submitting reply papers would be pushed back to December 20, 2012 and a hearing on the Motion with respect to [REDACTED] would be set at a time convenient for the Court. This is [REDACTED] first request for an extension to respond to the Motion.

This request is submitted with the consent of Citibank N.A. and the Greenbaum and Acosta judgment creditors. We have contacted counsel for both the Levin judgment creditors and the Heiser judgment creditors, but have not yet received a response indicating whether or not they consent to the requested extension.

Please find enclosed a redacted copy of this letter, which will be served on all counsel of record consist with the Court's rules of practice, and which, if the Court so orders, may be entered on the case docket.

Respectfully submitted,

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Encl.

cc: Counsel to Citibank N.A. (by electronic mail)
Counsel to the Greenbaum and Acosta judgment creditors (by electronic mail)
Counsel to the Levin judgment creditors (by electronic mail)
Counsel to the Heiser judgment creditors (by electronic mail)
All Counsel of Record (redacted version by electronic mail)